

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

RECEIVED
SDNY FILED BY OFFICE

2023 AUG 14 AM 11:03

DENNYS ACEVEDO (Pro-Se)

Plaintiff,

**AMENDED
COMPLAINT PURSUANT
TO 42 U.S.C. § 1983**

-against-

__--CV--__ (____)

DOCTOR KHONDAR. RAKIB
(Dentist At Sing Sing Correctional facility)
Defendants.

-----X

COMPLAINT

I. PRELIMINARY INTRODUCTION

1. Plaintiff in the above-caption action allege (s) as follows:
2. Plaintiff, Dennys Acevedo, brings this action seeking relief and damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. § 1983, against New York State Department of Corrections and Community Supervision (hereinafter, NYS DOCCS), employees, executive and administrative staff, Correctional Officers and Correctional Supervisors, at Sing-Sing Correctional Facility for money damages brought pursuant to 42 U.S.C. § 1983, to redress the deprivation of rights secured to plaintiff by the Eighth and Fourteenth Amendments to the United States Constitution in their individual and official capacity.

JURISDICTION

3. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1341 (a)(3), 1341 (a)(4), 1367(a) and 42 U.S.C. § 1983.

VENUE

4. Venue is proper in this District pursuant to 28 U.S.C. § 1391.

5. It is alleged that the individual employees, Executive and Administrative staff members, Correctional Officers, Correctional Supervisors, Department at the NYS DOCCS deprived of adequate dental care and was deliberately indifference to plaintiff's dental pain, care and injuries and violated plaintiff's liberty interest to receive adequate dental care and treatment.

II. PARTIES IN THE COMPLAINT:

6. Plaintiff is and was at all times relevant herein a permanent resident of the United States and resides at:

Dennys Acevedo
Sing-Sing Correctional Facility
354 Hunter Street
Ossining, N.Y. 10562

a. **Defendant Number One:**

Doctor. Khonkar Rakib
Sing-Sing C.F.
354 Hunter Street
Ossining, N.Y. 10562

III. EXHAUSTION OF ADMINISTRATIVE REMEDIES:

7. There is a grievance procedure at Sings-Sing Correctional Facility
8. All grievances in relation to the matters alleged herein were filed, appealed and exhausted (See, attached Exhibit A).

IV. PREVIOUS LAW SUITS:

None

V. STATEMENT OF CLAIM:

9. Plaintiff, Dennys Acevedo (Pro-Se), brings this action claiming that defendants violated and failed to comply with State and Federal regulations at the NYS DOCCS by denying him of adequate dental care and treatment and deliberating indifference to plaintiffs pain and injury in violation of his right to Eight Amendment right, and Fourteenth Amendments to the United States Constitution: 42 U.S.C. § 1983.

10. The NYS DOCCS institution giving rise to all of plaintiff's claims alleged herein occurred at Sing-Sing Correctional facility, located at 354 Hunter Street, Ossining, New York, 10562.

11. The Defendant Dr. Khondkar Rakib is a dentist at Sing Sing Correctional Facility and was charge with the care of plaintiff's dentals.

FIRST CAUSE OF ACTION

DEFENDANT DR. KHONDKAR. RAKIB FAILED TO PROVIDE ADEQUATE AND PROMPT DENTAL TREATMENT, AND FAILED TO CURE PLAINTIFF'S DENTAL ISSUE RESULTING IN PLAINTIFF CONTINUOUSLY EXPERIENCING PAIN AND PERMANENT INJURIES, VIOLATING PLAINTIFF EIGHT AND FOURTEENTH AMENDMENT RIGHT. FARMER V. BRENNAN, 511 U.S. 825, 837, 114 S.Ct 1970 (1994)

FACTS:

12. Plaintiff, Dennys Acevedo, residing at Sing-Sing Correctional Facility, NYS DOCCS, has been an Incarcerated individual at Sing Sing Correctional Facility and on January 4, 2023, plaintiff attended to an emergency call out to the Dental Clinic at Sing Sing Correctional Facility. Plaintiff reported an excruciating toothache, headache. He was then examined by a Doctor named K. Rakib, who after performing x-rays discovered that plaintiff was suffering from an infection. Plaintiff was asked to sign a consent agreeing to the extraction of the cavity. However, against his will, because the pain he was suffering was so severe, Dr. Rakib told plaintiff that he could not extract the cavity himself, that plaintiff was going to be placed on a waiting list for the outside doctor in charge to extract the cavities to the prisoners. To which plaintiff totally opposed, because he could not bear the excruciating pain, and plaintiff insisted asking for a time frame in which this doctor would show up to the facility.

13. Plaintiff was sent back to his cell, pain killer medication was prescribed, and antibiotics. Nevertheless, seven days later this medication run out, Plaintiffs face started to swell, forcing him to go back to the hospital complaining because the infection was getting worse and the pain got to the level that he was wishing to die, plaintiff was unable to bear the pain. When plaintiff returned to the hospital (this second time), Dr. Rakib told plaintiff that he was going to prescribe him more medication and that there was nothing that he could do to ease his problem, that plaintiff had to continue waiting for the outside doctor. Plaintiff continued objecting to the doctor's decision because plaintiff was suffering, unable to perform his basic and daily activities,

unable to eat, sleep, thinking and wishing to die. The medication was not sent to plaintiff as indicated by Dr. Rakib, plaintiff had to wait like 8 hours later, after voicing his complaint to the company officer, C.O. Alexander.

14. It came to the point when plaintiff was feeling that the infection was spreading to other parts of his body, feeling unable to swallow because sore throat, pain in his left ear, the eye lid was feeling heavy. He called C.O. Alexander and told him that he was feeling like he was going to die from this problem, to which C.O. Alexander after seeing plaintiff's swelling face and inability to talk adequately, he decided to send plaintiff to the facility emergency room. Once the nurse saw his face and checked him, it was decided that plaintiff needed to be sent out to the outside hospital.

15. Plaintiff was sent to Mount Vernon where he was admitted a staff performed a CT Scan, and blood tests were conducted, also plaintiff was administered IV. Then, Mount Vernon staff decided to transfer plaintiff to Westchester Medical Dental, where after conducting x-rays, blood tests and administering IVs, the doctors concluded that immediate extraction of the cavity was require, which they did. After the surgery, the doctor discovered that because the delay taken in treating this problem, plaintiff suffered permanent nerve damage for the rest of his life that prevent from smiling, moving the bottom lips normally, and loss of sensibility preventing him being able to drink water properly, water spills out the side of his mouth and from chewing food properly causing him to bite the lip continually.

RELIEF

16. All of the above defendants are sued in their individual and official capacity.

17. Plaintiff demands: **A TRIAL BY JURY.**

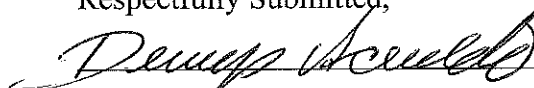
18. Wherefore, plaintiff prays that this Court grant the following relief:

- a. Six Million (6,000,000.00) dollars in Compensatory Damages; and,
- b. Two Million (2,000,000.00) dollars in Punitive Damages
- c. Three Million (3,000,000.00) for violation of plaintiff constitutional rights
- d. A total of Eleven Million (11,000,000.00) requested relief.

I, Dennys Acevedo declare under the penalty of perjury that the foregoing is true and correct.

Dated: 8/3/, 2023

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Dennys Acevedo", written over a horizontal line.

Dennys Acevedo Plaintiff, Pro-Se

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RECEIVED
SDNY FRO SE ATTORNEY
2023 AUG 14 AM 11:03

-----X
DENNYS ACEVEDO (Pro-Se)

Plaintiff,

Declaration of serve

-against-

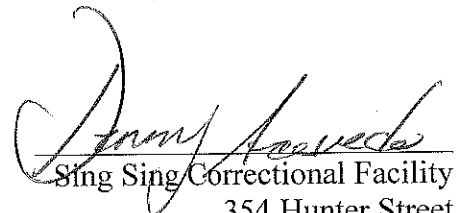
DOCTOR KHONDAR. RAKIB
(Dentist At Sing Sing Correctional facility)

Defendants.
-----X

I, Dennys Acevedo (Pro-Se), declare under the penalty that I have severed a copy of the attached; (1) copies of a complaint captioned; DENNYS ACEVEDO -against- DOCTOR KHONDAR. RAKIB (Dentist At Sing Sing Correctional facility) _____ on the 6 day of August, 2023, to the following address(es); Clerk of the Court of United States District Court Southern District of New York 500 Pearl Street New York, New York 10007 by placing it in a prepaid postage parcel in a mail box In Sing Sing Correctional Facility to be mailed by the United States Postal Service

Dated _____

Ossining, New York


Sing Sing Correctional Facility
354 Hunter Street
Ossining, New York 10562

Dennis Levedo 08-A-6528
354 Hunter Street
Ossining New York 10522

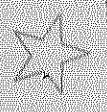


Pio Se

Q
Clerk of the Court
of United State District Court
Southern District of New York
500 Pearl Street
New York, NY 10022

USMA
SDNY

quodent
08/07/2023
US POSTAGE \$001.83
700 10522
08/11/2023



Correctional Facility

